

REMARKS

Claims 23-25 are currently active.

Applicants take difference to the withdrawal by the Examiner of Claims 24 and 25. Claims 24 and 25 are dependent claims. By choosing Claim 23 and figure 1 without traverse, applicants were choosing also Claims 24 and 25, it going without saying since they are dependent to Claim 23; that was the reason that no traverse was made in regard to Claims 24 and 25. Accordingly, applicants challenge the withdrawal by the Examiner of Claims 24 and 25 as inappropriate and improper.

The Examiner has rejected Claim 23 as being unpatentable over either German reference '287,299 or Reinmann in view of Rothenberg, Jr. when considering Cole.

Applicants respectfully traverse this rejection.

Referring to German reference '287,299, there is disclosed a framework for soil-encased concrete structural components. More specifically, German reference '287,299 teaches each of the elements are made of concrete. Furthermore, the chocks that the Examiner refers to have nothing to do with a mine roof support. The Examiner is ignoring this critical limitation. The law clearly states that limitations in the preamble of a claim must be given deference. Accordingly, German reference '287,299 is non-analogous art that is not applicable to Claim 23.

In addition, no one skilled in the art would ever use a concrete chock in regard to a mine roof because a concrete chock is too heavy to move.

German reference '287,299 teaches away from the notch of Claim 23 because German reference '287,299 specifically teaches a one piece chock. Claim 23 claims a chock that is formed of different pieces that are attached together to form a chock. This is contrary to the teachings of German reference '287,299.

By being one continuous piece of concrete, no one skilled in the art would try to attach different pieces to the concrete elements. If one were to try to attach pieces to concrete, such as with a nail or screw, the concrete would shatter. The material of concrete is not conducive for elements to be attached to it.

Referring to Reinmann, there is taught mine support cribs. Specifically though, Reinmann teaches the chock 10 is formed in one piece from a suitable timber, such as oak. See column 3, lines 42 and 43. As explained above, not only is there no teaching or suggestion of the steps of "attaching a first block to a topside of a primary piece . . . to define notches at each end of the top side of the primary piece . . . attaching a second block to a bottom side of the primary piece . . . to define notches in each end of the bottom side of the primary piece" as found in Claim 23; but by teaching that the chock 10 is formed in one piece, it actually teaches away from applicants' claimed invention. No one skilled in the art would look to Reinmann for the

formation of a chock from separate pieces, since the chock taught by Reinmann is formed from only one piece.

Referring to Rothenberg, Jr., there is taught a toy construction kit. Again, this is non-analogous art. Rothenberg, Jr. has nothing at all to do with a chock for a mine roof crib to support a mine roof. Instead, Rothenberg, Jr. is concerned with forming a toy. More specifically, there is nothing attached. Rothenberg, Jr. specifically teaches that the play structures are formed without the use of fasteners, adhesives or tools. See the abstract of Rothenberg, Jr. Thus, even besides the fact that it is not analogous art, for this reason alone, no one skilled in the art would look to the teachings of Rothenberg, Jr., because the elements of the construction kit are not taught to be attached as required by the claimed invention, and would never support the load the mine roof crib must support in order to prevent the mine from collapsing.

In regard to Cole, there is disclosed landscaping timber. As is evident from the review of the teachings of Cole, there is no mention whatsoever of a mine support crib. This is non-analogous art that provides no teaching or suggestion of being able to support the vertically oriented load required of a mine roof crib, or the formation of a mine roof crib in a mine. As is clear from figure 7, the units 10 are disposed about the desired bush or tree 3. Specifically, Cole teaches that in forming whatever design that is desired, the projecting portions of different units are overlapped and joined together to form the border or wall. See the abstract of Cole. Accordingly, Cole also does not add anything to German reference '287,299, Reinmann, or

Rothenberg, Jr. to arrive at Claim 23 of applicants. Accordingly, the applied art record alone or in combination does not teach or suggest Claim 23 of applicants. Claims 24 and 25 are dependent to parent Claim 23 and are patentable for the reasons Claim 23 is patentable over the applied art of record.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 23-25, now in this application be allowed.

Respectfully submitted,

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